IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 912 of 2005

Between:

Katta Kanakaraju S/o.Satyanaryana Murhty Hindu
Bhimavaram, West Godavari Dist.

..... PETITIONER

AND

1 The Govt of A.P.rep by Principal Secretary Home

Department, Secretariat, Hyderabad.
2 The Superintendent of Police Krishna dist Machilipatnam.
3 The Deputy Superintendent of Police Gudivada,Krishna

District.
4 The Circle Inspector of Police Kaikalur, Krishna District.
5 The Station House Officer Kaikalur Rural Police Station
Kaikalur,Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the

respondents in not filing the charge sheet in Crime No. 3/2001 (FIR No.3 dt 25-1-2001) on the file of Kaikalur Rural Police Station, Krishna District under Section 147, 148,307 r/w 149 I.P.C and Sections 3&4 Explosives Act as illegal, arbitrary and violative of Arts 14 and 21 of the constitution of India and for a consequential direction directing the Respondents herein to file charge sheet in the above said crime number and to pass orders.

Counsel for the Petitioner:MR.A.SREEDHAR

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

O R D E R

The grievance of the petitioner is that the respondents have not filed the charge sheet in Crime No.3/2001, though several years have elapsed since the date of occurrence of the incident.

2 . Petitioner is an accused in Crime No.3/2001. Offences under Sections 147, 148 and 307 read with Section 149 I.P.C., were alleged against him, together with the one under Sections 3 and 4 of Explosives Act. The petitioner contends that he was falsely implicated in the case and on account of inaction on the part of the respondents, he is subjected to harassment and hardship.

3 . Heard the leaned counsel for the petitioner and the Government Pleader for Home.

4 . Though strictly speaking, the petitioner cannot be said to have suffered any prejudice on account of delay in submission of charge sheet, the uncertainty as well as the prolonged ordeal of

appearances before the court would have there own adverse impact on the petitioner. Speedy trial of the case pending against the accused has almost assumed the form of a fundamental right. This Court would certainly have examined the circumstances leading to such a delay in filing the charge sheet, but for the fact that the respondents have since submitted the charge sheet on 1.2.2005. In that view of the matter, the grievance of the petitioner stands redressed.

5. Having regard to the fact that crime itself is said to be of the year 2001, it is hoped that the concerned criminal court would expedite the trial of the matter and dispose of the same as early as possible.

6. The writ petition is accordingly disposed of. No costs.

AVS ----------

07.02.2005

Note:

Issue C.C. in three days.

B/O

To.

1 The Govt of A.P.rep by Principal Secretary Home

Department, Secretariat, Hyderabad.

2 The Superintendent of Police Krishna dist Machilipatnam.

3 The Deputy Superintendent of Police Gudivada,Krishna

District.

4 The Circle Inspector of Police Kaikalur, Krishna District.

5 The Station House Officer Kaikalur Rural Police Station
Kaikalur,Krishna Dist.

6. Two C.Cs. to G.P. for Home, A.P. High Court Buildings,

Hyderabad (OUT).

7. Two C.D. copies.